

MEMORANDUM

DATE: May 27, 2020

For June 11, 2020 Hearing

TO: John Iurino FROM: Scott Clark, Director

Zoning Examiner Planning & Development Services

SUBJECT: REZONING

PLANNING & DEVELOPMENT SERVICES REPORT

C9-20-03 Harrison Landfill PAD –SR to Planned Area Development (PAD)

(Ward 4)

<u>Issue</u> – This is a request by James McMurtrie of Dynamic Civil Designs LLC, on behalf of the property owner, Larry Harvey, to rezone approximately 55.5 acres from Suburban Ranch (SR) to Planned Area Development (PAD) zoning. The rezoning site is located west of South Harrison Road and approximately 2,500 feet north of East Irvington Road (see Attachment A). The development proposed is an interim inert materials landfill, with interim Industrial uses throughout the duration of the landfill activities in a specified interim timeframe, and Park Industrial uses during and after the landfill is completed. Following completion of the landfill and termination of the specified interim timeframe, the final permitted uses are Park Industrial uses.

<u>Planning & Development Services Recommendation</u> – The Planning & Development Services Department recommends approval of the Planned Area Development (PAD) zoning, subject to the development standards found in the attached Harrison Landfill PAD document, and subject to approval by Mayor and Council.

Background Information – The property dates back, to the 1960s as a sand and gravel pit that was in operation prior to the City's annexation of the area in 1987. The extraction use was viewed as legal, non-conforming after being annexed. The site is located within Subarea 6 of the *South Pantano Area Plan (SPAP)*. The *SPAP* identified *Subarea 6* as containing sand and gravel operations and landfills and discussed the need for soils in those areas to be rebuilt to stable conditions but provided no provisions to allow industrial uses required to permit activities associated with rebuilding the soils. Park Industrial (P-I) and Suburban Ranch Zoning (SR) do not allow for an interim process to fill in the existing pit and stabilize the soil to support future development. While the need for the soil to be rebuilt was acknowledged as a necessary step in the *SPAP*, no provisions were made that would allow the Industrial uses needed to undertake the

Rezoning – Planning & Development Services Report C9-20-03 Harrison Landfill PAD SR to PAD (Ward 4)

activities required to rebuild and stabilize the soil. In 2018, Mayor and Council approved an amendment to the *SPAP* allowing for interim Industrial uses on the subject property.

Existing Land Use: Sand and Gravel Extraction

Zoning Descriptions:

Existing / Suburban Ranch Zone (SR): This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

Proposed / Planned Area Development (PAD): Enables and encourages comprehensively planned development in accordance with adopted plans and policies. The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards. A PAD may have land use regulations different from the zoning regulations in the UDC, any other PAD District, or other zoning districts. When a provision in a PAD varies from the UDC, the provisions in the PAD shall govern.

Surrounding Zones and Land Uses:

North: Zoned SR; Pantano Wash and Residential

South: Zoned SR; Closed Harrison Landfill (City owned)

East: Zoned SR; Residential and Horse Boarding

West: Zoned R-2; State Land, Residential

Previous Cases on the Property: none

Related Cases:

C9-12-12 Speedway Recycling Facility, SR and R-2 to Planned Area Development Zone (PAD) This was a rezoning request for 45.45 acres located 900 feet north of Speedway Boulevard and accessed via Prudence Road to allow the development of a construction landfill and recycling operation that encompassed an existing landfill and ancillary uses. On July 9, 2013, Mayor and Council adopted Ordinance No. 11094 and the requested zoning was effectuated on August 10, 2013.

<u>Applicant's Request</u> – The applicant requests to rezone to PAD to allow the interim use of an inert material landfill.

<u>Planning Considerations</u> – Land use policy direction for this area is provided by the *South Pantano Area Plan* and *Plan Tucson*. The rezoning site is located within the Existing Neighborhoods Building Block as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Rezoning – Planning & Development Services Report C9-20-03 Harrison Landfill PAD SR to PAD (Ward 4)

The South Pantano Area Plan (SPAP) Subarea 6 supports Park Industrial uses integrated with residential, commercial and recreational development. Subarea 6 provides policy direction for industrial as an interim use on the site to enable the soil to be rebuilt to stable conditions so that future park industrial uses as specified in the SPAP can be realized. Policy direction also suggests a flexible zoning tool such as a Planned Area Development (PAD) zone to allow for the interim use.

Prior to the Mayor and Council approval of the plan amendment, Council Member Scott (Ward 4) read into the record a list of concerns and issues that were to be addressed in the PAD document during any future rezoning. These concerns and issues to be addressed included: traffic congestion on Harrison Road from any stacking onto property; odor and noise control; permitting only specific types of salvaging and recycling operations onsite; having specific hours of operations, including the frequency of any crushing operations; landscape and screening of project; providing setback distance of operations, and clearly addressing any potential fire risks associated with types of salvaging and recycling operations of the landfill. Staff has provided an attachment (Attachment B) which lists where in the PAD document under Section 2.0 that these items are addressed.

<u>PAD Document Overview</u> — The Harrison Landfill PAD encompasses approximately 55.5 acres generally bounded by South Harrison Road to the east, the Pantano Wash to the north, a closed City landfill to the south and state land to the east. The intent of the PAD is to establish both interim and future zoning standards for the property to allow the owner to operate an inert materials landfill until the void at the property is filled to a stable condition. Only inert materials will be accepted at the landfill. Inert materials are those that are not flammable, will not decompose and will not leach substances in concentrations that exceed aquifer water quality standards. The City of Tucson and Pima County will have the authority and be granted access, as necessary, during regular business hours, to make scheduled or un-announced inspections to ensure traffic, noise, odors, and dust are meeting the standards of the PAD. The PAD Document provides standards and mitigation techniques to protect the surrounding non-industrial properties.

Land Uses:

The PAD has a single zoning district that allows interim industrial uses, throughout the duration of the landfill activities in a specified interim timeframe, and Park-Industrial (P-I) during and after the interim timeframe.

Permitted Land Uses: All uses permitted in the P-I zone, per the UDC, subject to the applicable use specific standards and all uses permitted by special exception in the P-I zone, according to applicable type of special exception procedure.

Permitted Interim Land Use: The interim uses associated with the landfill activities include business operations, sanitation system (inert), materials crushing, salvaging and recycling, materials sales and excavating, outdoor materials storage, outdoor green waste storage and processing, sorting, and equipment parking.

The interim phase of the PAD will terminate 12 years after the PAD adoption date, or upon completion of the landfill, whichever occurs first. Any of the following occurrences signify the completion of the landfill:

- 1. The grade of the entire property has reached a minimum elevation equal to 2-feet above the adjacent grade of the paved Harrison Road multi-use path, which varies along the length of the property frontage, with the minimum elevation anywhere on the site bring 2,730 above Mean Sea Level on the North American Vertical Datum of 1988 (NAVD 88).
- 2. A period of one (1) year has passed since the grade of the entire property has reached a minimum elevation corresponding to the grade of the adjacent paved Harrison Road multiuse path. A letter from the City of Tucson to the property owner, stating that this condition has been met, according to the City, shall mark the start of the 1-year period unless contested by the property owner on the basis of inaccuracy(s).

Due to the inability to predict the exact timeframe to meet the completion of the landfill, two consecutive 2-year interim timeframe extensions are allowed and will be considered minor PAD amendments. If the landfill is not complete after 16 years, a major PAD amendment will be required to continue operations.

Development Standards:

Setbacks: Landfill activities will be setback from the west property boundary 80-feet. The exception is an 850-foot portion along the southern section of the west property boundary where existing cut slopes are closer to the property line so the setback will be 40-feet.

Hours of Operation: The hours of operation are set as: Monday – Friday 6:30am to 4:30pm, Saturday 7:00am to 3:00pm, and closed on Sunday. All activities onsite are limited to the hours of operation. Materials crushing operations will occur twice per year for periods lasting not more than 21 business days and will be limited to the hours of operation.

Noise: Noise levels will be mitigated so that the decibel levels audible from anywhere offsite do not exceed the maximum levels of City Code 16-31. The landfill and associated activities in the early stages of the interim phase are expected to be fully mitigated by the depth of the pit and the additional noise abatement provided by the perimeter earthen berms. If the abatement is not adequate in the later stages of the interim phase, noise barriers may be required.

Odors: The inert materials that will be accepted at the landfill do not typically create odors. The materials will be covered with earth, daily. Staff of the landfill will inspect incoming loads to ensure only acceptable materials are being deposited, and any restricted materials that are found within loads will be rejected. Odors will not be allowed to be offensive and the odor standards of the Unified Development Code (UDC) and Pima County Code will apply. The owner's initial method for odor control will be to have an organized stockpiling system in which the older materials are always the first to be hauled from the facility. If odor control proves to be insufficient with that method, the owner will employ any of the following methods to reduce odor emissions:

- Reduce stockpile heights,
- Increase the frequency of material removal,

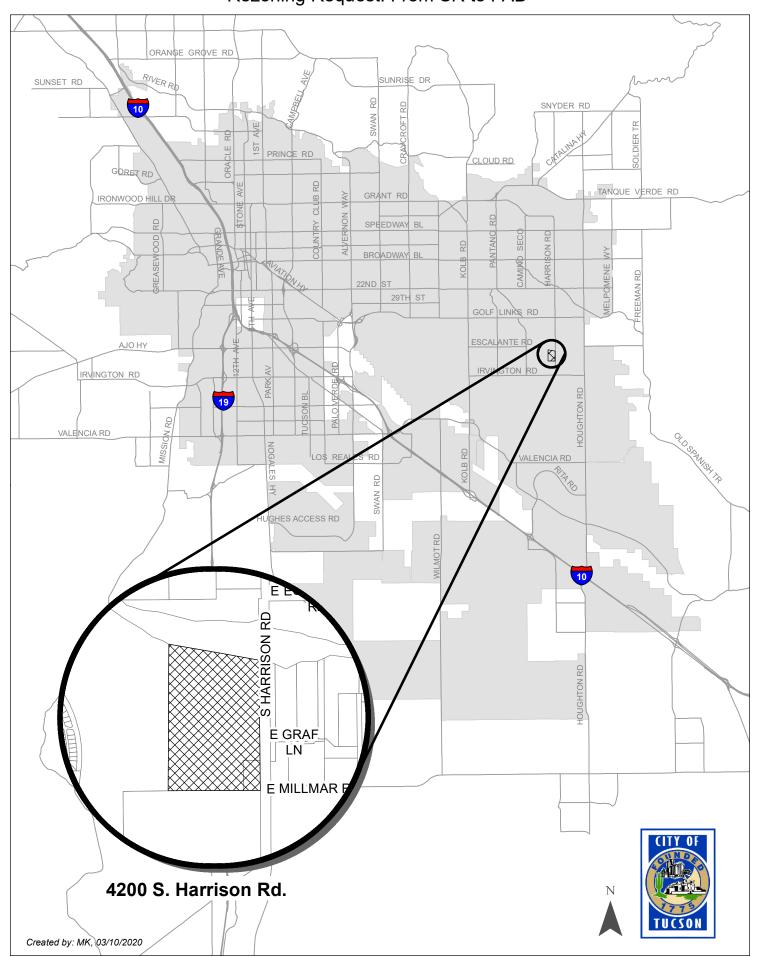
- Reduce or suspend activities that reduce the material volume,
- Employ chemical odor control/neutralizer methods,
- Restrict the volume of incoming materials,
- Restrict the entry of specific material types that tend to produce odor, and
- Relocate stockpile locates periodically to allow the underlying areas to receive sunlight and dry.

Traffic

Vehicular access will be from Harrison Road only. The stacking of vehicles entering the site must be accommodated fully onsite with a queue area of sufficient length to prevent any congestion on Harrison Road or on the Harrison Road Paved Multi-Use Path. Five years after the PAD has been approved, a left turn warrant analysis will be provided to determine if a left turn lane on Harrison road is needed prior to the interim use terminating.

<u>Conclusion</u> – The proposed PAD is in substantial conformance with the policies of the *South Pantano Area Plan* and *Plan Tucson*. The PAD document serves as the rezoning conditions for the proposed project, therefore no additional conditions are recommended for the Harrison Landfill PAD. Subject to compliance with the proposed PAD document, approval of the requested Planned Area Development zoning is appropriate.

C9-20-03 Harrison Landfill PADRezoning Request: From SR to PAD



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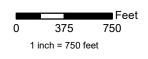




Address: 4200 S. Harrison Rd. Base Maps: Twp. 14S R. 15E Sec. 34

Ward: 4

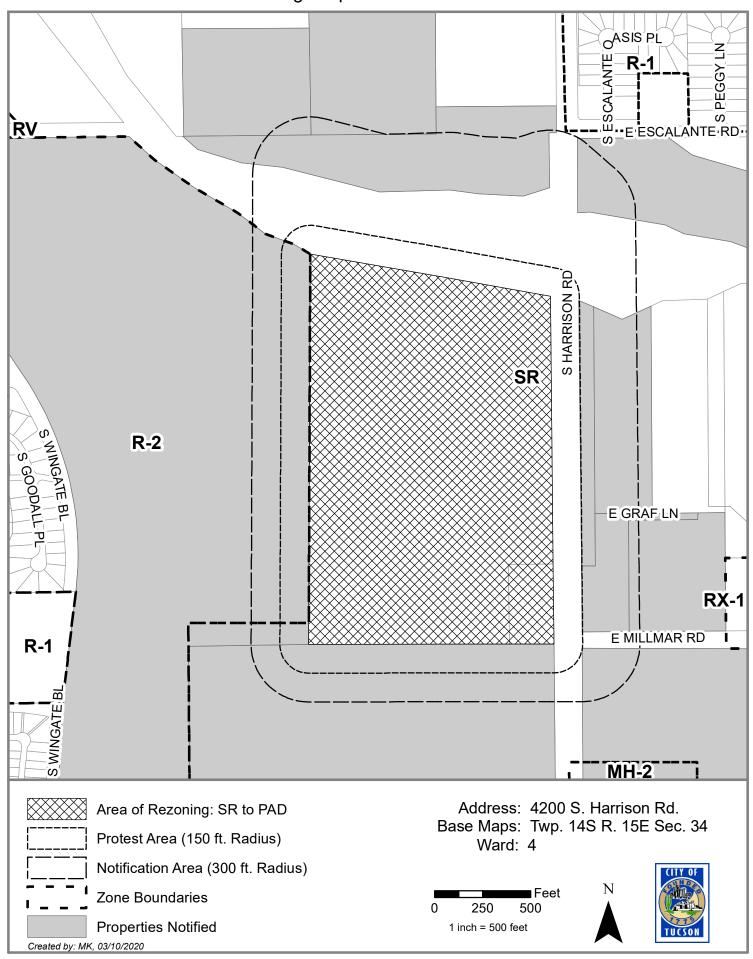






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HARRISON ROAD INERT MATERIALS LANDFILL

PAD REZONING NEIGHBORHOOD MEETING 02/18/20



LEGEND

SUBJECT PROPERTY LINE SETBACKS & PERIMETER YARDS EX SECURITY FENCE

• • MOVABLE BARRICADES -●-18"S— - EX SEWER & MANHOLE

★ EX WATERLINE, VALVE, HYDRANT →2 OHU - EX JOINT OVERHEAD UTILITY &

PARCEL INFO

APNs: 136-30-0020 & 0030, ADDRESS: 4200 S HARRISON RD

EXISTING ZONE: SR / PROPOSED ZONE: PAD PLANNED AREA DEVELOPMENT DISTRICT

EXISTING USE: SAND & GRAVEL PIT

PROPOSED USES:

PHASE 1- INTERIM PHASE LASTING 12-16 YEARS • SANITATION SYSTEM (INERT MATERIALS LANDFILL)

• EARTHWORK • SALVAGING & RECYCLING

• MATERIALS STORAGE/SORTING/SALES • GREEN WASTE STORAGE/PROCESSING

• VEHICLE/EQUIP PARKING PHASE 2-UPON COMPLETION OF LANDFILL • ANY USES PERMITTED WITHIN THE PARK INDUSTRIAL (PI) ZONING

AREA 1 INTERIM PHASE USES

GREEN WASTE, RECYCLING, SORTING, STORAGE/SALES, CRUSHING, VEHICLE & EQUIPMENT PARKING, MINOR REPAIRS & LANDFILL ACTIVITIES

AREA 2 INTERIM PHASE USES

LANDFILL & CRUSHING ACTIVITIES



Approval - Protest Form



If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of $\frac{3}{4}$ of the Mayor and Council (5 of 7 council members) to approve the rezoning or special Exception ordinance. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

	APPROVE the	APPROVE the proposed rezoning/special exception	
operty Owner(s) (PLEASE PRINT)	PROTEST the proposed rezoning/special exception		
ason:			
	PLEASE PRINT	PLEASE PRINT	
OWNED(C) CICNATUDEC			
OWNER(S) SIGNATURES	PROPERTY ADDRESS	YOUR MAILING ADDRESS	
OWNER(S) SIGNATURES	PROPERTY ADDRESS	YOUR MAILING ADDRESS	

Place Stamp Here

City of Tucson

Planning and Development Services Department
Entitlements Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-20-03-Harrison Landfill PAD SAM

Expose this flap - Affix stamp and return



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